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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,010	11/20/2003	Phillip J. Edwards	4189-PA24	8752
29370	7590	05/25/2005	EXAMINER	
ROBERT A. PARSONS 4000 N. CENTRAL AVENUE, SUITE 1220 PHOENIX, AZ 85012			EL SHAMMAA, MARY A	
			ART UNIT	PAPER NUMBER

2883

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/718,010		EDWARDS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mary A. El-Shammaa		2883	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 8-10 are objected to because of the following informalities: there are two claims numbered as claim 8. Appropriate correction is required.

Misnumbered claims 8, 9, and 10 have been renumbered 9, 10, and 11, respectively.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Levinson et al. (US 2003/0053170 A1).

Regarding claims 1, 4, 6, 7, 8, and 9, Levinson et al. discloses an optoelectronic module and method of controlling an optical electronic module with improved digital diagnostic integrated circuits comprising an optical transceiver including an electrical-to-optical transmitter and an optical-to-electrical receiver each coupled to a digital diagnostic integrated circuit; a control interface; and a microcontroller coupling the digital diagnostic integrated circuit to the control interface and using the microcontroller to map addresses of IC's in the digital diagnostic integrated circuit for improved utilization of the IC's (*See* Paragraphs [0002], [0003], [0004], [0008], [0010], [0028], [0029], [0031], [0034], [0035], [0037], [0045], [0046], [0047]).

Regarding claims 2 and 3, Levinson et al. discloses the electrical-to-optical transmitter including a laser coupled through a laser driver to data input terminals, the laser driver coupled to the digital diagnostic integrated circuit (*See* Paragraphs [0003], [0029]).

Regarding claim 5, Levinson et al. discloses the electrical-to-optical receiver including a photodetector coupled to a preamplifier, the preamplifier coupled through a limiting amplifier to data output terminals, the limiting amplifier coupled to the digital diagnostic integrated circuit (*See* Paragraph [0028]).

Regarding claim 10, Levinson et al. discloses the step of using the microcontroller to add diagnostic functions includes at least one of mapping registers in the digital

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diagnostic integrated circuit to different locations, adding flags, adding interrupt functions, and implementing password functions (*See* Paragraph [0035]).

Regarding claim 11, Levinson et al. discloses the control interface being a register based interface and the step of using the microcontroller to add diagnostic functions includes modifying the register based interface to implement a command type interface (*See* Paragraphs [0002], [0003], [0004], [0008], [0010], [0028], [0029], [0031], [0034], [0035], [0037], [0045], [0046], [0047]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary A. El-Shammaa whose telephone number is 571.272.2469. The examiner can normally be reached on M-F (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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